

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of FLIEGER, Horst, et al.

Serial No: 10/803,358

Examiner: Nguyen, Tuan

Filing Date: March 18, 2004

Group Art Unit: 3751

For: SHOWER ARRANGEMENT

Confirmation: 5839

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the official action mailed August 9, 2006 (Paper No. 20060807), containing a restriction requirement under 35 U.S.C. §121, applicant provisionally elects for further prosecution Species 3 (Figure 6). The claims that read on the elected species are claims 1, 5 and 6. Claim 1 is generic. The nonelected claims remain pending to be rejoined upon allowance of a generic claim.

This election is made with traverse on the ground that certain embodiments identified as different species on grounds of structural difference, in particular Figs. 5 and 6, in fact have the same structure, except that Fig. 6 has a slidably adjustable holder to support a hand shower attached to the water-carrying wall bar by a shower hose, and Fig. 5 has a stand-off support for the water-carrying wall bar. These distinguishing structures are not mutually exclusive and are disposed on the same basic bar structure for coupling to a shower hose.

Accordingly, applicant requests that the restriction requirement be reconsidered and withdrawn insofar as Fig. 5 would be considered nonelected.

This election of species is fully responsive to the restriction requirement, although made with traverse for the reasons stated.

Concurrently submitted is a Petition for one month extension of time under 37 C.F.R. §1.136(a), with a charge authorization for the required official fee.

Examination is requested.

Respectfully submitted,

Date: October 3, 2006

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